

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBBY LEE ROBINSON,

Defendant.

CASE NO. **2:22-cr-00212-TL**

**ORDER DENYING MOTION FOR
FURLOUGH**

Defendant is detained pending an evidentiary hearing on revocation of supervised release in CR15-28-TL. He is also detained on pending charges of Unlawful Possession of Firearm and Unlawful Possession of Ammunition in *United States v. Robinson*, CR22-21-TL.

Defendant moves in both cases for an order granting him a furlough (temporary release) to attend the memorial services of his grandmother on May 27, 2023. *See* Dkt. 224 (CR22-28-TL) and Dkt. 33 (CR22-21-TL). Defendant advises he has contacted the United States and the United States is opposed to the motion. *Id.*

The motions were filed following lengthy proceedings. In 2015, Defendant was arrested and charged with being a Felon in Possession of Firearm in this case. Defendant was ordered detained, Dkt. 11, and in 2016 was found guilty of Felon in Possession of a Firearm. Dkt. 107. On March 8, 2016, the Court imposed a sentence of 90 months of imprisonment and three years

1 of supervised release. Dkt. 121. A resentencing was ordered and on January 30, 2018, Defendant
2 was resentenced to 90 months of imprisonment and three years of supervised release. Dkt. 149.

3 On March 23, 2021, the Court issued a summons directing Defendant to appear on the
4 grounds he violated conditions of supervision by using controlled substances on multiple dates,
5 failed to report for urine testing, failed to successfully participate in treatment. Dkt. 160.

6 On May 24, 2021, the Court issued a warrant on the grounds Defendant committed the
7 crime of driving under the influence, and the crime of criminal impersonation on May 24, 2021.
8 Dkt. 165. Defendant was arrested and released pending resolution of the allegations on June 3,
9 2021. Dkt. 174. On August 18, 2021, the Court issued a warrant on the grounds Defendant failed
10 to comply with inpatient treatment. Dkt. 186. On September 9, 2021, Defendant was found in
11 violation of five conditions. The Court imposed a sentence of 6 months of imprisonment and
12 continued supervision. Dkt. 194.

13 On October 25, 2022, the Court issued a summons on the ground Defendant failed to
14 report for drug testing, used controlled substances and failed to produce a valid sample for
15 testing. Dkt. 200.

16 On November 9, 2022, the Court issued a warrant on the grounds Defendant Committed
17 the crime of drive-by-shooting, possessed ammunition, and used controlled substances on
18 multiple occasions. Dkt. 203. Defendant was arrested on November 15, 2022. On November 17,
19 2022, a supplemental petition was filed alleging Defendant possessed a firearm on November 8,
20 2022. Dkt. 207. On November 30, 2022, another supplemental petition was filed alleging
21 Defendant used controlled substances on October 31, 2022. Dkt. 212.

22 On December 14, 2022, an Indictment was filed against Defendant in CR22-212-TL.
23 Defendant was ordered detained, and trial was set for February 21, 2023. Dkt. 8. An unopposed

1 motion to continue trial was filed and trial was continued to October 2, 2023. Dkt. 25. On March
2 15, 2023, the Court granted Defendant's motion for new counsel. On May 3, 2023, a superseding
3 indictment was filed, and on May 22, 2023, Defendant filed a motion for furlough to attend his
4 grandmother's funeral in both of his pending criminal cases.

5 Defendant contends the Court should grant a "furlough" under 28 C.F.R. 570 because his
6 grandmother died, he was closed to his grandmother, and he should be allowed to gather with his
7 family to honor her. In support, Defendant attached an email indicating a memorial service will
8 be held at Defendant's grandmother's home, and that this home "had been approved by
9 probation for Robby's presence during his months of caring for his grandmother." Dkt. 224
10 (CR15-12-TL) and Dkt. 33, CR22-212-TL, *see* Exhibit A.

11 There is no automatic right to a temporary release or furlough. Rather the Court retains
12 the discretions, in consideration of the facts of each case, to grant or deny such a request. The
13 facts of this case cut against granting Defendant's requests in both cases. Defendant has had
14 numerous violations of supervision resulting in revocation and a six-month sanction. After being
15 found in violation and receiving that sanction, Defendant was charged with additional violations,
16 and then indicted for new felony offense that are pending trial in this Court. Defendant's conduct
17 while on supervision has been not just been extremely poor but indicates he cannot be released
18 given the increasing seriousness of the alleged violations, culminating in new felony charges.
19 The Court accordingly ORDERS: Defendant's motions for furlough or temporary release in
20 CR15-28-TL and CR22-212-Tl are DENIED.

21 DATED this 23rd day of May, 2023.

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BRIAN A. TSUCHIDA
United States Magistrate Judge